

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNOCCUPIED	FILED
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-----x : UNITED STATES OF AMERICA :
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v.
:

TIBOR LISKA, and
BLAKE BOHINC

Defendants.
:
:
-----x

07 CRIM 1074

COUNT ONE

(Conspiracy to Commit Wire Fraud and Mail Fraud)

The Grand Jury charges:

The Scheme

1. From in or about March 2006, though in or about November 2007, TIBOR LISKA and BLAKE BOHINC, the defendants, engaged in a fraudulent scheme in which they used interstate wires and commercial mail carriers to market and sell, in the United States and abroad, a prescription drug, sildenafil citrate, the active ingredient in the trademarked pharmaceutical Viagra. As part of the fraudulent scheme, LISKA and BOHINC falsely represented that the drug they were selling (which they called "BOOM!") was a purely herbal supplement, and that it did not, in fact, contain Viagra.

Statutory Allegations

2. From at least in or about March 2006, through in or about November 2007, in the Southern District of New York and elsewhere, TIBOR LISKA and BLAKE BOHINC, the defendants, and

others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Sections 1341 and 1343 of Title 18, United States Code.

3. It was a further part and an object of the conspiracy that TIBOR LISKA and BLAKE BOHINC, the defendants, and their co-conspirators, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice, and attempting so to do, would and did place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service and would and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and such carriers according to the directions thereon, such matters and things, in violation of Title 18, United States Code, Section 1341.

4. It was a part and an object of the conspiracy that TIBOR LISKA and BLAKE BOHINC, the defendants, and their co-conspirators, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent

pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

Overt Acts

5. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about March 2006, a law enforcement officer viewed a website advertising BOOM!, <http://www.naturalboom.com>, ("BOOM! Website-1"), that TIBOR LISKA and BLAKE BOHINC, the defendants, controlled, from a computer located in Manhattan. BOOM! Website-1 falsely stated that the BOOM! product did not contain Viagra.

b. In or about November 2007, LISKA and BOHINC sold to a representative from Pfizer Inc. ("Pfizer Representative"), sildenafil citrate, the active ingredient in the trademarked pharmaceutical Viagra, falsely labeled as a purely herbal supplement called "BOOM!". The Pfizer Representative placed an order for BOOM! through another website that LISKA and BOHINC controlled ("BOOM! Website-2"). The product was subsequently delivered, by Federal Express, to an

address in Middletown, New York, on or about November 8, 2007.

(Title 18, United States Code, Section 1349.)

c. On or about November 15, 2007, LISKA and BOHINC sold to a confidential source ("CS"), sildenafil citrate, the active ingredient in the trademarked pharmaceutical Viagra, falsely labeled as a purely herbal supplement called "BOOM!". CS placed an order for BOOM! through BOOM! Website-2, from a computer located in Manhattan. The product was subsequently delivered, by Federal Express, to a Manhattan address on or about November 20, 2007.

FORFEITURE ALLEGATION

6. As the result of committing the conspiracy to commit mail and wire fraud offense, in violation of Title 18, United States Code, Sections 1349, alleged in Count One of this Indictment, TIBOR LISKA and BLAKE BOHINC, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, including, but not limited to, a sum of money equal to at least \$2 million in United States currency, representing the amount of proceeds obtained as a result of the charged fraud offense.

Substitute Asset Provision

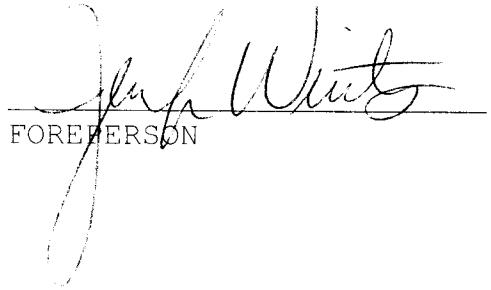
7. If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

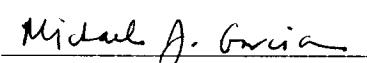
TIBOR LISKA and BLAKE BOHINC:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 28, United States Code, Section 2461, and Title 18, United States Code, Section 2314).


John Winters
FOREPERSON


Michael J. Garcia
MICHAEL J. GARCIA 
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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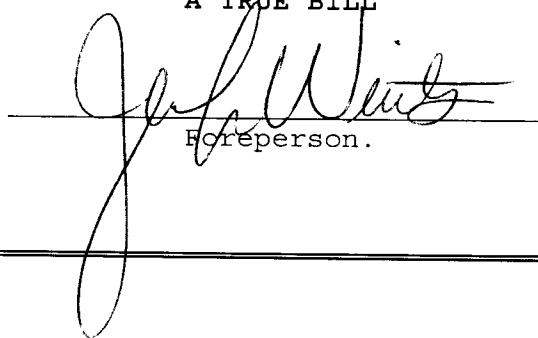
INDICTMENT

07 Cr.

(Title 18, United States Code,
Section 1349)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


F oreperson.

11/29/07
Assigned to Judge Cote
MJG